

Attorney Docket No.: P-2507-US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): YEDGAR, Saul et al. Examiner: O Sullivan, Peter G

Serial No.: 10/790,182 Group Art Unit: 1621

Filed: March 02, 2004

Title: USE OF LIPID CONJUGATES IN THE TREATMENT OF DISEASES

**ELECTION REQUIREMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response is filed in response to the Election Requirement dated October 21, 2005 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the October 21, 2005 Office Action was due November 21, 2005. Applicants are concurrently filing a Petition for a One-Month Extension of Time, including the required fee. Therefore, a response is due December 21, 2005. Accordingly, this Communication is being timely filed.

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The Examiner alleged that the compound, phosphatidylethanolamine bound to a polysaccharide, elected by Applicants, encompasses structurally disparate and separately classified compounds.

Applicants disagree. Applicants have demonstrated in Example 2 several phosphatidylethanolamine-conjugated polysaccharides effective in treating colitis, including phosphatidylethanolamine-conjugated carboxymethylcellulose and phosphatidylethanolamine-conjugated glycosaminoglycans, such as hyaluronic acid.

MPEP 803 states "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Applicants maintain that there is no undue burden of search for use of a compound comprising a phosphatidylethanolamine bound to a polysaccharide in treating colitis, and accordingly the restriction is improper.

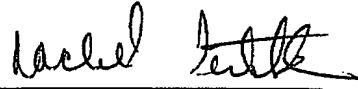
Applicants elect with traverse a phosphatidylethanolamine bound to a glycosaminoglycan.

Applicants request a telephone interview to discuss acceptable claims with the Examiner and further clarify their position.

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Respectfully submitted,



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Dated: November 28, 2005

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